

EDUCATION DEPARTMENT[281]

Notice of Intended Action

Proposing rule making related to criteria for late-filed open enrollment and providing an opportunity for public comment

The State Board of Education hereby proposes to amend Chapter 17, “Open Enrollment,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 256.7(5).

State or Federal Law Implemented

This rule making implements, in whole or in part, 2021 Iowa Acts, House File 847.

Purpose and Summary

2021 Iowa Acts, House File 847, added an additional reason for late-filed open enrollment: “a consistent failure of the resident district to reasonably respond to a student’s failure to meet basic academic standards after notice provided by a parent or guardian.” House File 847 requires the State Board to “adopt by rule the criteria for determining a resident district’s consistent failure to reasonably respond to a student’s failure to meet basic academic standards.” This rule making proposes to adopt such criteria.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa. The final Fiscal Note for 2021 Iowa Acts, House File 847, identified no fiscal impact to the State and can be found at www.legis.iowa.gov/docs/publications/FN/1221404.pdf.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the State Board for a waiver of the discretionary provisions, if any, pursuant to 281—Chapter 4.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rule making. Written or oral comments in response to this rule making must be received by the Department no later than 4:30 p.m. on March 1, 2022. Comments should be directed to:

Thomas Mayes
Department of Education
Grimes State Office Building, Second Floor
400 East 14th Street
Des Moines, Iowa 50319-0146
Phone: 515.242.5614
Email: thomas.mayes@iowa.gov

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

March 1, 2022
9 to 9:30 a.m.

State Board Room, Second Floor
Grimes State Office Building
Des Moines, Iowa
Via videoconference:
[IDOE.zoom.us/j/95808248304?pwd=a3NOeEhtUXorTTBqTENZWdh6VEhWQT09](https://doe.zoom.us/j/95808248304?pwd=a3NOeEhtUXorTTBqTENZWdh6VEhWQT09)

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department and advise of specific needs by calling 515.281.5295.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making action is proposed:

Adopt the following **new** subrule 17.5(3):

17.5(3) *Criteria for determining whether a resident district consistently failed to reasonably respond to a student's failure to meet basic academic standards.* School officials, upon having data to evidence a student's failure to meet basic academic standards and having received notice from a student's parent/guardian, must have failed to respond to the student's failure.

a. Basic academic standards include Iowa academic standards for English language arts, mathematics, science, and social studies.

b. Evidence of a student's failure to meet basic academic standards may include, but shall not be not limited to, one or more of the following:

- (1) Failure to meet grade-level benchmarks on universal screening assessments.
- (2) Failure to achieve proficiency on standards-based outcome assessments.
- (3) Receiving a grade of D or F (or equivalent) for a course.

c. A district's consistent failure to respond may include, but shall not be limited to, one or more of the following:

- (1) Failure to provide evidence-based interventions or strategies targeted to the student's needs.
- (2) Failure to monitor student growth over time.
- (3) Failure to make changes to the student's improvement plan if the student does not show progress.